



Digitized by the Internet Archive
in 2011 with funding from
University of Toronto

CANADIAN GOVERNMENT

System of Government

There is still considerable misconception in republican countries on the Canadian system of government, and among uninformed sections of the people a fairly general opinion still exists that the Dominion, forming part of the British Empire, with a monarch at its head, is necessarily subject to autocratic rule, or at least very much at the dictates of the Colonial Office in London. Nothing is farther from the truth, as residents of the Dominion who have come from all quarters of the globe could testify; and whilst maintaining her place as an integral part of the Empire, Canada is absolutely self-governing, and its government second to none in its democratic traits. Canada is a nation, and her status, as such, was plainly asserted and recognized at the Peace Conference, and she is accorded a voice among the nations of the earth. Though spontaneously her loyalty to the Empire took her into the war immediately upon England's declaration, she entered as an independent nation, and was under no compulsion whatsoever to enlist her forces or resources.

Self-Governing.

Canada is a self-governing British dominion with responsible government which means that the will of the people is absolute in the matters of government, and that the Governor-General, the king's representative in the country, must form his executive council or cabinet from the members of parliament who can command the support of the majority of members of the House of Commons, the house which in practice has sole control of the powers of taxation and appropriation. It means that the political executive of the day resigns its executive functions whenever it ceases to possess the confidence of the people.

The Dominion of Canada is under responsible government in the fullest meaning of the term, and in the internal affairs of the country there can be no uninvited interference by Great Britain whether by parliament at Westminster, the Colonial Office, or the Governor-General. Recognition of this fact is one of the fundamental principles of the relations between Great Britain and the overseas Dominions. The Imperial Parliament has far less to do with the internal affairs of Canada than, for instance, Congress has to do with the internal concerns of the several states of the Union. Relations between Great Britain and Canada are not those of domination on the one hand, of subserviency on the other, but as between nations equally free to do as they will.

British North America Act.

Before the confederation of the Dominion in 1867 there was a Governor-General established at the capital of the United Provinces, and a governor in each of the then other provinces of British Columbia, Nova Scotia and Prince Edward Island. They were all appointed by the crown at the recommendation of the Colonial Office. By the British North America Act however, whilst the office of Governor-General was continued, governors of the separate provinces ceased to exist, and for them were substituted Lieutenant-Governors—invariably Canadians—appointed by the Governor-General in Council. The Governor-General and the Lieutenant-Governors of the provinces are the sole representatives of the Crown in Canada, and the appointment of the former, which is always done with the approval of the Dominion government, is the only civil servant instated by the Crown. These men have absolutely no influence on the government or its policies, and directly or indirectly do not affect the everyday political life of the Dominion, its policies, standards, or ideals as much as, for instance, any Canadian newspaper editor. The Governor-General is the material link with the Imperial government and is only interested in the smooth and continuous running of the government. The only voice of the country is that of public opinion as expressed at the polls at the periodical elections.

The People's Government.

The people of Canada elect their own government, make their own laws, and control all their own political affairs. All matters of taxation are entirely in their own hands and Great Britain has no more control over them in this regard than it has in the imposition of a tax on the people of the United States. Canada, whilst a loyal dominion of the British Empire—as the recent war most clearly evidenced—maintains her place amongst the nations as responsible and self-governing; and pursues the way of democracy untrammelled by autocratic bonds or extraneous hindrances to her popular government.

In this connection, it is interesting to read the Prince of Wales' remarks at a banquet tendered him in Ottawa. Speaking on the relations of Canada to the Motherland, he says:—

"Canada, like the other British Dominions, played such a big part in the war that she has in consequence entered the partnership of nations and has affixed her signature to the peace treaties. This means that the old idea of an empire, consisting of a mother country,

surrounded by daughter states, is entirely obsolete and has long been left behind by the British Empire. Our Empire has taken a new and far grander form. It is now a single state composed of sister nations of different origins and different languages. The British nation is the largest of these nations, but the younger nations have grown up to be its equals, and Great Britain, like the Dominions, is only one part of the whole."

Federal and Provincial Government

The fundamental principles of the system of government in Canada have already been dealt with, and it has been shown that the Dominion is in all its phases of legislation, responsible and democratic.

The preceding article deals with Canada's system of government as applied to the Dominion; it is proposed to deal now with the relation of the Dominion to the provinces, and the legislative powers of federal and provincial governments.

The British North America Act established Canada as a federal union, as opposed to a legislative union such as exists in the United States. This is pithily explained in a contemporary speech of Sir John A. Macdonald, the "Father of Confederation."

"The true principle of Confederation lies in giving to the general government all the powers and principles of sovereignty, and in the provinces, that the subordinate or individual states should have no powers but those expressly bestowed upon them. We thus have a powerful central system, a powerful central legislature, and a powerful decentralized system of minor legislatures for local purposes."

Responsible Government of Provinces.

After the Confederation of the Dominion the relations of the Colonial Office were only with the Government at Ottawa, and not with the five provincial capitals. Power was given by the act to create new provinces out of the territory lying between the Great Lakes and the Rocky Mountains, a power exercised in 1870 when Manitoba was organized, and again in 1905 when Saskatchewan and Alberta were created. Responsible government has been established at all the provincial capitals since 1870, when British Columbia attained the power, rank and dignity that the British North American provinces had enjoyed up to that time.

Exclusive Authority of Dominion Parliament.

The exclusive legislative authority of the Parliament of Canada extends to all matters coming within the following 29 clauses:—Public debt and property; regulation of trade and commerce; raising of money by taxation; borrowing money on public credit; postal service and defence; fixing and providing salaries and allowances of civil and other officers of the government; beacons, buoys, lighthouses, and Sable Island; quarantine, and the establishment and maintenance of marine hospitals; seacoast and inland fisheries; ferries between a province and any British or foreign country or between two provinces; currency and coinage; banking, incorporation of banks, and the issue of paper money; savings banks; weights and measures; bills of exchange and promissory notes; interest; legal tender; bankruptcy, and insolvency; patents of invention and discovery; copyrights; Indians and lands reserved for Indians; naturalization and marriages and divorce.

Organization of Provincial Governments

In its organization a government at a provincial capital is as nearly as possible a replica of the Government at Ottawa, with a Lieutenant-Governor domiciled at Government House in place of the Governor-General, and with a secretary of state—or provincial secretary—through whom communication is maintained with the central government, acting through the Department of State, Ottawa. Like the Governor-General, a Lieutenant-Governor is the King's representative at the provincial capital, and must ride on an even keel as regards political parties and agitations. The relations between the ministry—often called, as at Ottawa the cabinet or council, are the same as at Ottawa, and the procedure of the cabinet in its everyday business is the same as at the federal capital.

A provincial ministry remains in power only as long as it can command a majority of members in the legislative assembly. If defeated on a vote of the assembly it must either ask the Lieutenant-Governor to dissolve the legislature or the Premier must tender his resignation to him, in which case the tenure of office of all his colleagues, in accordance with the constitutional practice at Ottawa, comes to an end.

Briefly the powers of the provincial legislature are as follows:—Amendment of the constitution of the province except as regards the office of the Lieutenant-Governor; direct taxation within the province to raise provincial revenue; borrowing on the credit

of the province; establishment and tenure of provincial offices; and appointment and payment of provincial officers; management and sale of provincial public lands, and its timber and wood; establishment maintenance and management of public reformatory prisons; establishment, maintenance of hospitals, asylums, charities, and eleemosynary institutions; municipal institutions; shop, saloon, tavern and other licenses; local works and undertakings (with certain reservations); incorporation of companies with provincial objects; solemnization of marriage; administration of provincial justice including civil and criminal jurisdiction; imposition of punishment by fine, penalty, or imprisonment, to enforce laws of the province made with relation to matters coming within classes enumerated in this section; generally, all matters of local or private nature in the province.

It is clearly to be seen, without any elaboration or illustration, that the spirit of popular responsibility, and democracy embodied in Canada's constitution is borne out alike in both federal and provincial governments. While the Dominion reserves for her central legislature exclusive authority over all matters concerning Canada as a nation, the individual provinces are permitted practically unhampered powers in everything relating to matters within their own boundaries. In all movement, all legislation, all matters affecting the nation or province, there is but the one guiding power—the concerted voice of Canada's people.

The Organization of Government

Having dealt with Canada's system of government and the distribution of power and authority between the federal and provincial legislatures, it will be illustrated here how the legislative assemblies are combined, as further indicating the democratic spirit pervading every phase of governmental formation.

Basically, the Canadian legislative divisions follow out the system existing at Westminster. Whilst at a casual survey it may appear an exact replica, there are differences of the greatest import to the people dwelling in Canada.

The Actual Governing Body.

The Governor-General, and Lieutenants-Governor, are the representatives of the King at the Dominion and provincial capitals, and as such have no part in active politics. The actual governing body of the country is divided into two chambers, the Upper or Senate and Lower or House of Commons. The latter corresponds to the chamber of same name in the British parliament; and the former to the House of Lords with this difference, that the principles of heredity—inconsistent with the Canadian spirit of democracy—is absent, and members of the Senate are appointed by the existing government.

In the Governor-General—often a member of the House of Lords, and often of the Royal Family—the Prime Minister and his cabinet have an advisory source of the greatest value. Though it is incumbent upon him to take the advice of his ministers upon all questions of government, whether they have his personal approbation or not, he is often able to modify or amend that advice, bearing continually in mind the public welfare and interest. His position as the sovereign's representative, his disassociation from the issues of party politics, and his large experience in Imperial statesmanship all combine to render his position to the actual legislating body influential and of the greatest value.

Method of Formation of Government.

The leader of the party having a majority in the House is called upon by the Governor-General or Lieutenant-Governor as the case may be, to form a government from his elected supporters, and he selects a cabinet to be his advisors. They come generally from the Lower House. Senators may hold these positions, and each is at the head of the various branches of government control. There are twenty-three in all, viz:—

Prime Minister; Secretary of State for External Affairs; President of the King's Privy Council for Canada; Minister of Finance; Minister of Trade and Commerce; Minister of Public Works; Minister of Railways and Canals; Minister of Marine, Fisheries, and Naval Defence; Minister of the Interior; Minister of Immigration and Colonization; Minister of Militia and Defence; Minister of Agriculture; Minister of Customs; Minister of Inland Revenues; Minister of Justice; Postmaster-General; Minister of Labor; Secretary of State; Minister of Mines; Attorney-General; Solicitor-General; Parliamentary-Secretary of the Department of External Affairs; and Parliamentary Secretary of Militia and Defence.

**The
Function of
the Senate.**

The Senate has been described as "an independent body moderating between parties—a body of judicial temper and of rarer atmosphere than the House of Commons—free from individual claims of constituents on their time and energy during parliamentary session. Political propaganda makes no demands upon them." The members of the Senate are appointed for life by the existing government when vacancies occur in that body. The appointment is considered as a reward for services rendered the House. They number 96 and represent every district of the Dominion. The Senate acts as a receiving chamber, and bills proceed there from the Lower House for endorsement or rejection. The records of 46 years show that the Upper House has amended 1,246 of a total of 5,871 bills or 21.5 per cent and totally rejected 113 bills or 2 per cent.

**The House
of Commons.**

The House of Commons is elected by the people by secret ballot, and the entire system of campaign and election is such as to preclude any but the men exactly representing the views and desires of the people from entering. The original number of members was fixed by the British North America Act but thereafter the method prescribed was as follows: A census is taken decennially; the province of Quebec is given her fixed quota of 65 members; the other provinces are assigned a number of members which will bear the same ratio to their population as they bear to the population of Quebec. Elections to the House of Commons are held every five years. There is no fixed date, but a government may not remain in office more than that period without going to the people for endorsement to ensure that it still has the public confidence as expressed at its election. It is the duty of the Premier and his government to resign when the trend of affairs clearly indicates that their actions no longer have the country's approval.



For further information apply to

**THE BUREAU OF CANADIAN INFORMATION, DEPT. OF COLONIZATION AND
DEVELOPMENT, CANADIAN PACIFIC RAILWAY, MONTREAL, P.Q.**

